

OFFICE OF GOVERNMENT ETHICS**5 CFR Ch. XVI****Semiannual Regulatory Agenda; Spring 2008**

AGENCY: Office of Government Ethics.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following Office of Government Ethics (OGE) regulations are scheduled for development or review during the forthcoming six-month period. This agenda fulfills OGE's responsibility to publish a semiannual regulatory agenda in accordance with Executive Order 12866, Regulatory Planning and Review, and has been prepared in accordance with guidance received from the Office of Management and Budget and the Regulatory Information Service Center at the General Services Administration. In accordance with that guidance, OGE's agenda is now just being published on the www.reginfo.gov website. See also the www.regulations.gov Governmentwide website, which includes information about OGE's regulatory and other issuances as published for the past couple of years in the **Federal Register**.

None of the OGE regulations in this agenda will have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. chapter 6. In addition, none of the listed OGE regulatory actions is procurement-related. This regulatory agenda does not impose a binding obligation on OGE with respect to any particular item listed. The dates shown for the future steps of each action are estimates and not commitments to act by the date shown. Moreover, other OGE regulatory actions, in addition to the entries listed, are not precluded.

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Dated: February 24, 2008.

NAME: Robert I. Cusick,
Director, Office of Government Ethics.

The 6 Regulatory Agendas

Office of Government Ethics - Proposed Rule

Title	Regulation Identifier Number
Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture	3209-AA00
Interpretation, Exemptions, and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest)	3209-AA09
Interpretation of 18 U.S.C. 209, Restriction on the Supplementation of the Salaries of Executive Branch Employees by Private Sources	3209-AA36

Office of Government Ethics - Final Rule

Title	Regulation Identifier Number
Standards of Ethical Conduct for Employees of the Executive Branch	3209-AA04
Post-Employment Conflict of Interest Restrictions	3209-AA14

Office of Government Ethics - Long-term Action

Title	Regulation Identifier Number
Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics	3209-AA15

Office of Government Ethics (OGE)

RIN: 3209-AA00

 [View Related Documents](#)**Title:** Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture

Abstract: Regulation revising the executive branch public and confidential financial disclosure report systems for high-level officials and certain mid-level employees, respectively. These disclosure provisions apply to public reports filed since January 1, 1991. Subpart I of the regulation, effective October 5, 1992, superseded prior executive branchwide and agency-specific regulations and established a revised system of confidential reporting, modeled generally on the public reporting system, for executive branch agency mid-level employees with sensitive duties and special Government employees. This regulation also has a subpart dealing with certificates of divestiture.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 5 CFR 2634 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731; 26 USC 1043; 28 USC 2461 note; PL 101-410; PL 104-134, sec 31001**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/02/1986	51 FR 43359
Interim Final Rule	04/07/1992	57 FR 11800
Other	07/21/1993	58 FR 38911
Other	09/01/1993	58 FR 46096
Other	11/30/1993	58 FR 63023
Other	07/07/1994	59 FR 34755
Other	01/15/1997	62 FR 2048
Other	06/24/1997	62 FR 33972
Other	09/17/1997	62 FR 48746
Other	03/31/1998	63 FR 15273
Other	08/12/1998	63 FR 43067
Other	11/02/1998	63 FR 58619
Other	12/18/1998	63 FR 69991
Other	01/14/1999	64 FR 2421
Other	05/13/1999	64 FR 25849
Other	08/30/1999	64 FR 47095
Other	09/14/1999	64 FR 49639
Other	11/20/2000	65 FR 69655
Other	11/05/2001	66 FR 55871
Other	05/03/2002	67 FR 22348
Other	05/31/2002	67 FR 37965
Other	08/01/2002	67 FR 49856
Other	09/06/2002	67 FR 57063
Other	09/13/2002	67 FR 57937
Other	10/02/2002	67 FR 61761
Other	01/13/2004	69 FR 1954
Final Rule	07/28/2004	69 FR 44893
Final Rule	03/11/2005	70 FR 12111
Proposed Rule	08/12/2005	70 FR 47138
Final Rule	05/16/2006	71 FR 28229
Other	04/06/2007	72 FR 16985
Other	10/03/2007	72 FR 56241
Other	03/24/2008	73 FR 15387
Other	11/00/2008	
Final Action	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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Office of Government Ethics (OGE)

RIN: 3209-AA09

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Title: Interpretation, Exemptions, and Waiver Guidance Concerning 18 U.S.C. 208 (Acts Affecting a Personal Financial Interest)

Abstract: This regulation interprets section 208(a) of title 18, U.S.C., which prohibits officers and employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver or exemption under 18 U.S.C. 208(b)). It also lists and describes interests considered too remote or too inconsequential to affect the integrity of the services of executive branch officers or employees, in accordance with 18 U.S.C. 208(b)(2). Such interests are exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification. The regulation also provides guidance to executive branch agencies as to the kinds of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from an employee and which, therefore, may be waived from the general rule of disqualification under 18 U.S.C. 208(a), pursuant to 18 U.S.C. 208(b)(1). In addition, guidance is provided concerning the issuance of waivers to special Government employee advisory committee members, pursuant to 18 U.S.C. 208(b)(3). A separate interim final rule, published in 1995 exempting certain financial interests arising from Federal Government executive branch employment as well as from Social Security or veterans' benefits from the general prohibition in section 208(a), was incorporated in the overall final rule. Additional exemptions are considered for development from time to time as appropriate.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 2640 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 18 USC 208

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	08/28/1995	60 FR 44706
Other	09/11/1995	60 FR 47208
Other	12/18/1996	61 FR 66830
Other	03/29/2000	65 FR 16511
Other	08/04/2000	65 FR 47830
Other	09/06/2000	65 FR 53942
Other	03/19/2002	67 FR 12443
Other	11/14/2005	70 FR 69041
Other	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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Office of Government Ethics (OGE)

RIN: 3209-AA36

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Title: Interpretation of 18 U.S.C. 209, Restriction on the Supplementation of the Salaries of Executive Branch Employees by Private Sources

Abstract: Proposed regulation to interpret section 209 of title 18, U.S. Code, prohibiting the private supplementation of the Government salary of executive branch officers and employees.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 2639 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 18 USC 209

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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Office of Government Ethics (OGE)

RIN: 3209-AA04

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Title: Standards of Ethical Conduct for Employees of the Executive Branch

Abstract: Regulation implementing certain provisions of Executive Order 12674 on Principles of Ethical Conduct, as modified by Executive Order 12731, and the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Effective February 3, 1993, this ethical conduct standards regulation generally superseded executive branch employee conduct and gifts rules, as well as pertinent portions of agency-specific conduct regulations issued under prior Executive Order 11222. For certain existing agency regulatory standards setting forth financial interest prohibitions and prior approval for outside employment/activities, an extended grace period was in effect until November 1, 1996, or until individual concerned agencies issued supplemental regulations (with Office of Government Ethics concurrence), whichever occurred first.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 2635 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 7301; 5 USC 7351; 5 USC 7353; 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/23/1991	56 FR 33778
Other	08/07/1992	57 FR 35006
Other	02/02/1994	59 FR 4779
Other	02/02/1995	60 FR 6390
Other	06/15/1995	60 FR 31415
Other	10/03/1995	60 FR 51667
Other	12/27/1995	60 FR 66857
Other	08/07/1996	61 FR 40950
Other	08/20/1996	61 FR 42965
Other	09/16/1996	61 FR 48733
Other	09/27/1996	61 FR 50689
Other	03/17/1997	62 FR 12531
Other	09/17/1997	62 FR 48746
Other	08/04/1998	63 FR 41476
Other	08/26/1998	63 FR 45415
Other	12/18/1998	63 FR 69992
Other	01/14/1999	64 FR 2421
Other	03/17/1999	64 FR 13063
Other	09/05/2000	65 FR 53650
Other	11/20/2000	65 FR 69655
Other	11/30/2001	66 FR 59673
Other	10/02/2002	67 FR 61761
Final Rule	03/11/2005	70 FR 12111
Other	05/11/2006	71 FR 27427
Other	08/10/2006	71 FR 45735
Other	04/06/2007	72 FR 16985
Other	03/24/2008	73 FR 15387
Other	12/00/2008	

Regulatory Flexibility Analysis Required: No
Federalism: No

Government Levels Affected: Federal

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Office of Government Ethics (OGE)

RIN: 3209-AA14

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Title: Post-Employment Conflict of Interest Restrictions

Abstract: This interpretive regulation will give guidance for the executive branch on the various substantive restrictions of the current version of the post-Government employment conflict of interest statute 18 U.S.C. 207, which became effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Parts of the regulation, dealing with procedures for waivers by the Office of Government Ethics of certain senior official constraints (based on executive agency hardship), designated senior employees, and separate agency designations, have already been published in the Federal Register; such designations are periodically updated by the Office of Government Ethics. The Office of Government Ethics also has continued to publish in the CFR the interpretive regulation, 5 CFR part 2637 (but now without the no-longer-effective former Senior Employee and old agency component designation listings), under the lifetime bar of the prior version of the post-employment law which still applies to executive branch employees who left the Government before January 1, 1991. Once a complete current post-employment law final regulation is published, the old part 2637 regulation will be removed from the CFR.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 2641; 5 CFR 2637 (Continuation) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731; 18 USC 207

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	02/01/1991	56 FR 3951
Other	01/28/1992	57 FR 3115
Other	04/07/1992	57 FR 11673
Other	12/31/1992	57 FR 62467
Other	06/21/1993	58 FR 33755
Other	12/30/1993	58 FR 69176
Other	07/07/1994	59 FR 34755
Other	05/16/1997	62 FR 26915
Other	06/11/1997	62 FR 31865
Other	02/05/1999	64 FR 5709
Other	01/30/2003	68 FR 4681
Other	02/18/2003	68 FR 7843
Other	03/31/2003	68 FR 15385
Other	11/23/2004	69 FR 68053
Other	03/08/2007	72 FR 10339
Other	03/06/2008	73 FR 12007
Other	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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Office of Government Ethics (OGE)

RIN: 3209-AA15

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Title: Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics

Abstract: The supplemental executive agency standards of ethical conduct regulations, once issued jointly with the concurrence of the Office of Government Ethics (OGE) in new chapters at the end of 5 CFR, supplement for each individual agency concerned the OGE executive branch standards of ethical conduct, as codified at 5 CFR part 2635. The supplemental regulations, as they are issued in accordance with sections 201(a) and 301(a) of Executive Order 12674, as modified by Executive Order 12731, set forth those agency-specific provisions under applicable law and regulation, such as regulatory restrictions on holding certain financial interests, designation of subunits, and prior approval for outside employment, which are needed for certain agencies to round out the executive branchwide ethical standards for their employees. These supplementals are issued and revised on an ongoing basis when needed by agencies concerned.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 2635; 5 CFR ch XXI et seq; 5 CFR 2635.105 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 7301; 5 USC app, Ethics in Government Act of 1978; EO 12674; EO 12731

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	00/00/0000	
Other	05/27/1993	58 FR 30695
Other	06/17/1993	58 FR 33319
Other	08/06/1993	58 FR 41989
Other	08/03/1993	58 FR 41193
Other	08/12/1993	58 FR 42839
Other	09/10/1993	58 FR 47619
Other	10/12/1993	58 FR 52637
Other	01/27/1994	59 FR 3771
Other	02/02/1994	59 FR 4779
Other	04/13/1994	59 FR 17457
Other	07/12/1994	59 FR 35480
Other	09/28/1994	59 FR 49335
Other	10/06/1994	59 FR 50816
Other	01/30/1995	60 FR 5816
Other	02/02/1995	60 FR 6390
Other	03/07/1995	60 FR 12396
Other	03/27/1995	60 FR 15700
Other	04/07/1995	60 FR 17625
Other	04/25/1995	60 FR 20171
Other	05/05/1995	60 FR 22249
Other	06/12/1995	60 FR 30778
Other	06/12/1995	60 FR 30773
Other	06/30/1995	60 FR 34420
Other	07/21/1995	60 FR 37555
Other	09/13/1995	60 FR 47453

Other	09/11/1995	60 FR 47240
Other	12/06/1995	60 FR 62319
Other	12/19/1995	60 FR 65249
Other	12/27/1995	60 FR 66857
Other	02/06/1996	61 FR 4349
Other	02/26/1996	61 FR 7065
Other	05/06/1996	61 FR 20117
Other	07/09/1996	61 FR 36246
Other	07/09/1996	61 FR 35915
Other	07/05/1996	61 FR 35085
Other	07/16/1996	61 FR 36993
Other	07/31/1996	61 FR 39901
Other	07/31/1996	61 FR 39869
Other	07/30/1996	61 FR 39756
Other	08/07/1996	61 FR 40950
Other	08/05/1996	61 FR 40505
Other	08/02/1996	61 FR 40500
Other	08/23/1996	61 FR 43411
Other	10/16/1996	61 FR 53827
Other	10/31/1996	61 FR 56109
Other	11/06/1996	61 FR 57281
Other	11/01/1996	61 FR 56399
Other	11/25/1996	61 FR 59815
Other	11/25/1996	61 FR 59811
Other	12/13/1996	61 FR 65457
Other	01/27/1997	62 FR 3771
Other	02/12/1997	62 FR 6445
Other	05/02/1997	62 FR 23941
Other	06/17/1997	62 FR 32859
Other	06/11/1997	62 FR 31865
Other	07/08/1997	62 FR 36447
Other	08/11/1997	62 FR 42897
Other	10/16/1997	62 FR 53713
Other	04/15/1998	63 FR 18501
Other	04/24/1998	63 FR 20447
Other	06/24/1998	63 FR 34258
Other	08/12/1998	63 FR 43069
Other	12/08/1999	64 FR 68615
Other	12/30/1999	64 FR 73852
Other	03/24/2000	65 FR 15825
Other	04/20/2000	65 FR 21239
Other	10/02/2000	65 FR 58635
Other	02/01/2001	66 FR 8505
Other	11/27/2001	66 FR 59135
Other	12/03/2001	66 FR 60139
Other	07/17/2002	67 FR 46840
Other	09/16/2002	67 FR 58319
Other	11/04/2002	67 FR 67089
Other	11/29/2002	67 FR 71069

Other	04/14/2003	68 FR 17877
Other	09/05/2003	68 FR 52682
Other	09/05/2003	68 FR 52681
Other	09/04/2003	68 FR 52485
Other	11/18/2003	68 FR 64979
Other	02/03/2005	70 FR 5543
Other	02/11/2005	70 FR 7192
Other	05/04/2005	70 FR 23065
Other	06/28/2005	70 FR 37009
Other	08/31/2005	70 FR 51559
Other	10/26/2005	70 FR 61713
Other	08/21/2006	71 FR 48447
Other	08/30/2006	71 FR 51533
Other	12/04/2006	71 FR 70325
Other	04/18/2007	72 FR 19375
Other	05/10/2007	72 FR 26533
Other	08/23/2007	72 FR 48221
Final Rule	04/08/2008	73 FR 18944

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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